

REMARKS

Claims 1, 5-21, 25-31 and 35-59 are pending in the present application, of which claims 1, 21 and 31, the independent claims, are being amended. Reconsideration and reexamination are respectfully requested.

By way of a non-limiting example and in accordance with at least one embodiment of the present invention, a user interface page, such as is shown in Figures 6-8 of the present application, for example, is generated for the user. With reference to Figure 6, for example, the screenshot 600 of a page shows a search term, which in the example of Figure 6 includes a single word (e.g., "shoes"), but could comprise multiple words, the first set of search results 640 generated from the search term, and a plurality of candidate search terms, e.g., 620 and/or 630. By way of a further non-limiting example, an item in the search result 640 is selectable to retrieve the web page, document, etc. associated with the search result item, and an item in the candidate search terms, such as candidate search terms 630, is selectable to request another search. As is described, in ¶ 6 of the present application, a candidate search term can be selected by the user, and another set of search results can be generated in response to the user selecting one of the candidate search terms. As is also shown in Figure 6, candidate search terms can be grouped, and in the example of Figure 6, candidate search terms 620 are organized in accordance with brands, e.g., "Nike", "Adidas", etc.

Claims 1, 5-8, 11-14, 21, 25-28, 31, 35-38, 41-44 and 51-59 are rejected under 35 U.S.C. § 102(e) over U.S. PGPub. No. 2003/0216930 (Dunham), claims 9, 10, 29, 30, 39 and 40 are rejected under 35 U.S.C. § 103(a) over Dunham in view of U.S. PGPub. No. 2003/0078915 (Chaudhuri), claims 19, 20, 49 and 50 are rejected under 35 U.S.C. § 103(a) over Dunham in view of U.S. Patent No. 5,987,460 (Niwa), and claims 15-18 and 45-48 are rejected under 35 U.S.C. § 103(a) over Dunham in view of U.S. Patent No. 6,701,314 (Conover).

Turning to the language of the claims, the method recited in claim 1 includes storing sales information related to a plurality of search terms, wherein the sales information includes an accumulation of a plurality of purchase transactions of a plurality of users; receiving a first search term from a user; generating a first set of search results using the first search term in response to receiving the first search term from the user; and dynamically generating a user interface page for the user. The user interface page comprises the first set of search results and a

plurality of candidate search terms related to the first search term in accordance with relevancy scores calculated based in part on the sales information and click information related to the first search term. At least some of the plurality of candidate search terms being organized in accordance with brands that are determined to be related to the first search term based upon the sales information. The plurality of candidate search terms comprises a plurality of potential alternative search terms. Each of the plurality of potential alternative search terms is selectable by the user to request a second set of search results, and in response to a selection, by the user, of one of the plurality of potential alternative search terms, a second set of search results is generated for the user using the selected potential alternative search term.

Since Dunham fails to disclose each and every one of the elements recited in claim 1, Dunham cannot provide the basis of a § 102 rejection of the claims. Reconsideration and withdrawal of the § 102(e) rejection based on Dunham is warranted, and is respectfully requested.

Dunham fails to disclose at least the elements of generating a first set of search results in response to receiving the first search term from the user; and dynamically generating a user interface page for the user; the user interface page comprises the first set of search results and a plurality of candidate search terms related to the first search term in accordance with relevancy scores calculated based in part on the sales information and click information related to the first search term; at least some of the plurality of candidate search terms being organized in accordance with brands that are determined to be related to the first search term based upon the sales information; the plurality of candidate search terms comprises a plurality of potential alternative search terms; each of the plurality of potential alternative search terms is selectable by the user to request a second set of search results, and in response to a selection, by the user, of one of the plurality of potential alternative search terms, a second set of search results is generated for the user using the selected potential alternative search term.

Dunham focuses on optimizing revenue generated for each query by determining, for each listing in a search result list presented to the user, the placement of the listing in the search result list, with the position of the listing relative to the top of the search result list being based on a calculation determined based on a probability that the user will act on the search result listing and a cost-per-action (CPA) that an advertiser associated with the search result listing will pay for an action taken by the user (see abstract and ¶¶ 13, 15-17 and 54 of Dunham). In

contrast, the claimed subject matter recites generating a first set of search results using the first search term, and generating a user interface page for the user, which comprises the first set of search results and a plurality of candidate search terms related to the first search term. Dunham fails to disclose a user interface page that comprises a set of search results generated from a first search term and a plurality of candidate search terms related to the first search term.

Additionally, Dunham fails to disclose the claimed plurality of candidate search terms, which comprise a plurality of potential alternative search terms, each of which are selectable by the user to request a second set of search results. Dunham further fails to disclose the claimed second set of search results being generated for the user using one of the plurality of potential alternative search terms included in the claimed user interface page, in response to selection by the user of the potential alternative search term.

Additionally and while Dunham mentions optimizing revenue generated for a query, and further mentions click-through-rate, probability of a click and temporal pattern of clicks on a listing, the optimizing of revenue generated for a query is nothing more than an intended goal of Dunham, and the click information is used to determine the positioning of a search result item in the listing of the query's search results (see ¶¶ 54-57 of Dunham). In contrast, the claimed click information is used with the claimed sales information to relate the claimed first search term used to generate the first set of search results and the claimed plurality of candidate search terms, which are included in the user interface page with the first set of search results generated using the first search term. The percentage of total sales or per-product commission or bounty mentioned at ¶ 46 of Dunham are ways in which an advertiser can report the actions that occur on the advertisers web page for which the advertiser is willing to pay. At ¶ 53, Dunham mentions that it stores sales data, and at ¶¶ 17, 67 and 69, Dunham mentions its feedback mechanism by which actions, such as a consummated sale, taken by the user at the advertiser's web site are reported. Even assuming for the sake of discussion only, and without concession, that the total sales, per-product commission, bounty, stored sales data, or data reported using Dunham feedback mechanism is being used by Dunham to determine a search result item's placement in the listing of a query's search results, this is not the same as the claimed click and sales information that relate a search term with the claimed plurality of candidate search terms.

In response to the Applicant's previous arguments, as best understood, the Examiner considers that the candidate search terms were not distinct from prior art search results that allow

"the user [to] review the search results, identify a potential search term, and input the identified search term into the search engine iteratively, thereby generating a new set of search results."

Without conceding the correctness of the characterization of the prior art suggested by the Examiner, claim 1 is amended to even more clearly recite that both the first set of search results and the plurality of candidate search terms related to the first search term used to generate the first set of search results are included in the claimed user interface page. In contrast to a search term identified by a user after the user receives a first set of search terms and reviews the first set of search terms, both the first set of search results and the plurality of candidate search terms related to the first search term used to generate the first set of search results are included in the claimed user interface page. The claimed subject matter is clearly distinguishable over a user reviewing search results, the user identifying a another search term, and the user inputting the other search term to have a new set of search results generated from the search term identified by the user after the user reviewed the first set of search results. In addition, the claim is further amended to recite that the plurality of candidate search terms included in the user interface page, which page also includes the search results generated from the first search term received from the user, comprises a plurality of potential alternative search terms, and each of the plurality of potential alternative search terms is selectable by the user to request a second set of search results, and in response to a selection by the user of one of the plurality of potential alternative search terms, a second set of search results is generated for the user using the selected potential alternative search term. In contrast to a search term identified by a user after the user receives a first set of search terms and reviews the first set of search terms, the claimed plurality of potential alternative search terms are included in the user interface page that includes the first set of search results.

The Examiner's response mentions U.S. Patent No. 6,947,930 (Anick) and U.S. Patent NO. 6,704,727 (Kravets). It is worth noting that neither Kravets nor Anick is being applied against the claims of the present application, and that the rejection of claim 1 is a § 102 rejection based on Dunham. Nevertheless, in the interest of advancing prosecution, the Applicant submits that Anick and Kravets, like Dunham, are each missing elements of claim 1, including, for example, the claimed plurality of candidate search terms included in the user interface page with the first search results generated from the first search term, being organized in accordance with

brands, wherein the brands related to the first search term are determined based upon the sales information.

The Examiner's response further states, with respect to the Applicant's previous arguments:

"Applicant also argued that Dunham fails to disclose or suggest 'wherein said plurality of candidate search terms comprise a plurality of potential alternative search terms, and are at least organized in accordance with brands.' Examiner respectfully traverses the argument based on the previously cited paragraph 54 lines 2-3 (the listings can be organized in any way as to optimize the revenue generated for each search) and paragraph 64 (the order of the listings can be manipulated in order to optimize the revenue generated by each search), et seq. The cited sections suggest that the order of the listings can be manipulated in various ways as to maximize the profit: this can include organizing the listings in accordance with brands, prices, popularity, etc."

Dunham is devoid of any mention of organizing based on brand, and a general statement that the order of listings can be manipulated in various ways to maximize profit does not remedy the deficiency. Additionally and as discussed above, Dunham is concerned with the positioning of a listing in a search result list, and a listing in a search result list is starkly different from the claimed plurality of candidate search terms. Dunham is devoid of any disclosure of the claimed plurality of candidate search terms related to a first search term in a user interface page, which includes the set of search results generated from the first search term, and is further devoid of any disclosure that at least some of the claimed plurality of candidate search terms are organized in accordance with brands, wherein the brands related to the first search term are determined based upon the sales information.

Since Dunham is missing multiple elements of claim 1, Dunham cannot form the basis of a § 102 rejection of claim 1. Additionally, it is respectfully submitted that Dunham is missing multiple elements of independent claims 21 and 31, and Dunham therefore cannot form the basis of a proper § 102 rejection of claims 21 and 31.

With respect to the dependent claims 5-20, 25-30 and 35-59, each dependent claim includes the elements recited in the independent claim from which the dependent claim depends, and further recites additional elements. As is discussed herein Dunham is missing multiple claim

elements. Chaudhuri, Niwa and Conover, which are applied against certain of the dependent claims, have been reviewed and are not understood to remedy the deficiencies noted herein with respect to Dunham.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney. Alternatively, since it is believed that the claims of the present application are in condition for allowance, the Examiner is respectfully requested to issue a Notice of Allowance at the Examiner's earliest convenience.

The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

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